IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 23628 of 2006(K)

PETITIONER:

V.PADMANABHAN, S/O.SANKU,
SECRETARY,(ON LEAVE AND ALSO UNDER SUSPENSION),
KUZHIMANA GRAMA PANCHAYATH, P.O.KUZHIMANNA,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY SECRETARY
LOCAL ADMINISTRATION DEPARTMENT,
TRIVANDRUM.

2. DIRECTOR OF PANCHAYATH,
TRIVANDRUM.

3. DEPUTY DIRECTOR OF PANCHAYATH,
MALAPPURAM.

4. K.C.NEELAKANDHAN, U.D.CLERK,
OORUNGATTIRI GRAMA PANCHAYATH,
OORUGATTIRI, MALAPPURAM DISTRICT.

R1 TO R3 BY GOVT. PLEADER MR. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 23628 OF 2006

Dated this the 24th January, 2007.

JUDGMENT

The petitioner is the fifth respondent in W.P(C) 24847/2006. The fourth respondent herein is the petitioner in W.P(C) 24847/2006.

2. The petitioner filed this writ petition while he was working as the Secretary of Kuzhimanna Grama Panchayat in Malappuram district. He retired from service on 31.8.2006. As per the order passed by the first respondent on 16.8.2006 he was placed under suspension. While under suspension, he superannuated. The grievance of the petitioner is that action taken against him pursuant to Ext.P1 is kept pending and his rights for terminal benefits as also his claim for emoluments etc. during the period of suspension are unnecessarily delayed. He has sought for a writ of mandamus directing the second respondent to complete the enquiry pursuant to Ext.P1, within a time frame.

3. Govt. Pleader submits that in order to finalise Ext.P1 proceedings, it is necessary to decide whether the petitioner was responsible for the alleged loss caused to the department on account of the delayed payment of the provident fund amount to the fourth respondent who has

filed W.P(C)24847/2006 for a direction to pay him provident fund amount with interest and that a period of four months is required to complete action pursuant to Ext.P1.

4. On a consideration of the issues coming up for decision, I think the competent among the respondents shall expedite the enquiry pursuant to Ext.P1 and shall complete the same within three months from the date of receipt of a copy of the judgment. The period during which the petitioner was kept under suspension shall be regularised in accordance with law and orders relating to payment of terminal benefits passed immediately thereafter. Needless to state that the petitioner shall be afforded reasonable opportunity to put forward his case in the pending proceedings pursuant to Ext.P1 before final orders are passed. Writ petition is disposed of accordingly.

K.K.DENESAN
Judge

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